




1 Magistrate Judge's determinations, accepts the recommended decision within the meaning  
2 of Rule 72(b), Fed. R. Civ. P., and overrules the parties' objections. *See* 28 U.S.C. §  
3 636(b)(1) (stating that the district court "may accept, reject, or modify, in whole or in  
4 part, the findings or recommendations made by the magistrate"). The Court notes that the  
5 government has obtain new travel papers to Indian for Petitioner and he was due to have  
6 traveled there August 26, 2008. (Doc. # 16 & Ech. 1.) If for any reason he has not  
7 traveled, he cannot complaint about the government for it.

8       Insofar as the Magistrate Judge also ruled on any non-dispositive matters, error  
9 may not be assigned to any defect in those rulings to the extent that an aggrieved party  
10 did not file a timely objection. Fed. R. Civ. P. 72(a) ("Within 10 days after being served  
11 with a copy of the magistrate judge's order, a party may serve and file objections to the  
12 order; a party may not thereafter assign as error a defect in the magistrate judge's order to  
13 which objection was not timely made."). The absence of a timely objection precludes  
14 later assignment of error in this court or in any higher court of the non-dispositive rulings  
15 of a magistrate judge. *Simpson v. Lear Astronics Corp.*, 77 F.3d 1170, 1174 (9th Cir.  
16 1996); *Philipps v. GMC*, 289 F.3d 1117, 1120-21 (9th Cir. 2002).

17       IT IS THEREFORE ORDERED that the Report and Recommendation of the  
18 Magistrate Judge (Doc. # 13) is accepted.

19       IT IS FURTHER ORDERED that the Clerk of the Court enter judgment denying  
20 Petitioner's Petition for Writ of Habeas Corpus filed pursuant to 28 U.S.C. § 2251  
21 (Doc. # 1). The Clerk shall terminate this action.  
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23       DATED this 2<sup>nd</sup> day of September, 2008.

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27 Neil V. Wake  
28 United States District Judge